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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,890	11/12/1999	TAKESHI SUZUKI	P/3541-3	2252
7590	11/25/2005		EXAMINER	
OSTROLENK FABER GERB & SOFFEN LLP 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			WOODS, ERIC V	
			ART UNIT	PAPER NUMBER
			2672	
			DATE MAILED: 11/25/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/439,890	SUZUKI, TAKESHI
	Examiner	Art Unit
	Eric V. Woods	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 12-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 November 1999 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-10 have been canceled.

Claims 12-15 are pending.

Response to Arguments

Applicant's arguments, see Remarks pages 1-5, filed 2 September 2005, with respect to the rejection(s) of claim(s) 11-15 under 35 U.S.C. 102(a) have been fully considered and are persuasive.

Therefore, the rejection of claims 11-15 under 35 U.S.C. 102(a) have been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of various references as below.

Specification

A substitute specification without the claims is required pursuant to 37 CFR 1.125(a) because the version in eDAN that is shown as entered on 12 November 1999 has handwriting and strikethroughs in several places and thusly is not a clean copy and is not acceptable.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. Underlining the added text must show the text of any added subject matter. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted

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characters may be used to show deletion of five or fewer consecutive characters. Being placed within double brackets if strike-through cannot be easily perceived must show the text of any deleted subject matter. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Fellegara et al* (US PGPub 2004/0061793 A1) in view of *Manico et al* (US 6,049,371).

As to claim 12,

An electronic camera comprising:

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- (a) A recording medium removable from the camera in which a plurality of image data are recorded; (Fellegara [0003, 0007, 0034, 0042, etc] for memory card on which pictures / images are stored)
- (b) A display panel configured to display image data selected from the recording medium; (Fellegara Figure 5, LCD screen 36, shown in the middle of the system, Abstract, [0033], and the like)
- (c) An image discrimination circuit configured to judge whether the image data represents a panoramic image or not, based on aspect ratio of the image data selected from the recording medium; (Fellegara [0031] teaches that the system takes pictures in various formats, and that [0053] the aspect ratio of an image will be conformed to the equivalent film size. In [0065], the operator sets the desired mode for the digital image (in terms of aspect ratio) as being classic, HDTV, or panoramic format, where the resulting image is then stored)(Manico very clearly teaches that images are identified as panoramic based on their aspect ratio – 3:45-67, such that they are discriminated as required by the above claim)
- (d) A display-mode setting circuit configured to set a display-mode based on the result of discrimination by the image discrimination circuit, and (Fellegara teaches that the panoramic images are displayed on the LCD panel in [0065] in the various sizes such that the user can determine which one is preferable, or the like. How the system knows what format to display the image in is never expressly discussed, but the Manico reference clearly provides a method for discriminating between the aspect ratio and/or size of various images)

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(e) A display circuit configured to cause the selected image data to be displayed on the display panel according to the display-mode set in the display-mode setting circuit, (Fellegara Figure 6 contains such circuits, which are inherent in any case since the device performs those functions and displays images as required, which means that the circuitry to do so is inherent)

Wherein when the selected image data is judged as representing a panoramic image by the image discrimination circuit, the display-mode setting circuit sets a panoramic display-mode, and scrolls and displays on the display panel the selected panoramic image by controlling the display circuit, in accordance with an operation of a frame-advance button. (Fellegara clearly has a scroll option [0018-0020, 0060, 0074, etc] where the user can move through various images and the user can also edit images [0074, 0078-0079], where the user can pan, scroll, zoom, etc, through a displayed image)(It would have been obvious to modify Fellegara if necessary to perform such functions on the camera since it would thusly not require an external computer). The user clearly selects images as noted above in various locations and displays them on the LCD. Clearly, the user of Fellegara uses a frame-advance button to move through images and navigate them, as noted in the above-cited paragraphs.

The Fellegara reference teaches all the limitations except expressly teaching how panoramic images are identified, and expressly teaching pan/zooming the image on the camera per se. However, as noted above, since an external system can be used to do so, it would be trivially obvious to modify the camera to do so (and examiner

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contends that the camera does anyway, the above statement is merely to expedite prosecution).

The Manico reference provides a way to determine if an image is panoramic or not based on its aspect ratio as stored. It would have been obvious to modify the system of Fellegara to use the panoramic-image determining mode of Manico since this would allow it to automatically classify the image and display it in panoramic mode without the user having to do so (Motivation additionally provided by In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)), where automating a task previously done manually is sufficient motivation for combination. Additionally, Manico's method provides a method for classifying images as panoramic that is immune from various defects that plague other algorithms (3:20-67).

Claim 13 is rejected under 35 U.S.C. 103(a) as unpatentable over Fellegara in view of Manico as applied to claim 12, and further in view of Tagami (US 5,402,171).

References Fellegara and Manico do not expressly teach this limitation, but an analogous art that is directed to digital cameras and means of navigating images, Tagami, does teach this limitation.

Tagami et al discloses that the display means includes means for performing a superimposed display to show which portion of a panoramic image is currently displayed in a display area when the panoramic image is scrolled in a normal size. (See Fig 49, Fig 50, Fig 52, Fig 60, col. 5 lines 54-58, col. 7 lines 28-30, col. 25 lines 14-22, col. 26 line 68, col. 26 line 8-9)

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Tagami et al discloses that the display mode setting means includes means for performing a scroll operation of a panoramic image in a display area using a frame advance button ["direction buttons"; 53] when the display image discrimination means discriminates that the image data is to be displayed panoramically. (See Fig 49, Fig 50, Fig 52, col. 25 lines 17-22, col. 26 line 8-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fellegara (as noted above, motivation coming from the fact that an external device in Fellegara can be used to pan, scroll, zoom, etc. stored images such that they can be easily navigated, and Tagami would increase the navigability of such base images for at least the reasons above.

As to claim 14, this is almost identical to claim 11, the rejection to which is incorporated by reference. The additional limitation of dividing the image into separate areas and then controlling the display circuit is taught by Tagami et al discloses that the display means has a divided image stepping display mode in which a panoramic image is divided into a plurality of area and the area are advanced frame by frame and displayed step by step when the aspect ratio of the panoramic image is plural times larger than that of a display area. (See Fig 49, Fig 50, Fig 52, Fig 60, col. 5 lines 54-58, col. 7 lines 28-30, col. 25 lines 14-22, col. 26 line 68, col. 26 line 8-9). Motivation and rationale are taken from claim 13 above.

As to claim 15, this is identical to claim 13 and subject to the same rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric V. Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 7:30-4:30 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Woods


JEFFREY A. BRIES
PRIMARY EXAMINER

November 17, 2005